


Entered - 06/20/01 - sb
CL01L0389 - DIANNE C. MITCHELL

01- R-1038

**CLAIM OF: VAN CULPEPPER, ON BEHALF OF
DEANDRE PASS, a minor
through their attorney,
Glenda S. Cook
229 Peachtree Street, NE
2450 International Tower**

**For damages alleged to have been sustained as a result of injuries
caused by employees of the Atlanta Board of Education in December,
2000 at an undisclosed school.**

THIS ADVERSED REPORT IS APPROVED

BY: 
**ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0389

Date: June 25, 2001

Claimant /Victim VAN CULPEPPER, ON BEHALF OF DEANDRE PASS, a minor
BY: (Atty) Glenda S. Cook
Address: 229 Peachtree Street, NE, 2450 International Tower, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 05/30/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/00 Place: Not Stated
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his minor child was injured by employees of the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised to pursue this claim directly with the Atlanta Board of Education.

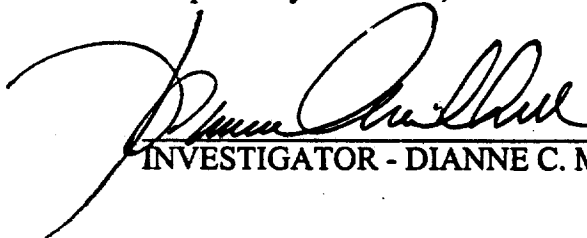
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

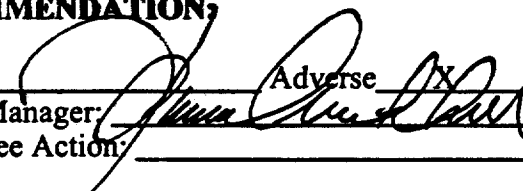
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06-26-01
Committee Action Council Action

Dianne

GLENDA S. COOK

Attorney at Law

229 Peachtree Street, N.E.

2450 International Tower

Atlanta, Georgia 30303

Phone: (404) 577-0680 Fax: (404) 577-9443

E-mail: LawAtlanta@aol.com

M. Hall
06/13/01
me

May 25, 2001

Atlanta Public Schools
Beverly L. Hall, Ed. D.
Office of the Superintendent
Administration Building
210 Pryor Street, S.W.
Atlanta, GA 30335

ENTERED - 6-20-01 - SB
0110389 - DIANNE MITCHELL

William J. Linkous, III
Office of the General Counsel
Law Department-City of Atlanta Public Schools
210 Pryor Street

CITY OF ATLANTA, a municipality
Mr. Bill Campbell, Mayor
55 Trinity Avenue, S.W.
Atlanta, Georgia, 30303,

City of Atlanta
Kristen Brooks
Associate City Attorney
City of Atlanta Department of Law
68 Mitchell Street S.W.
Atlanta, GA 30335-0332

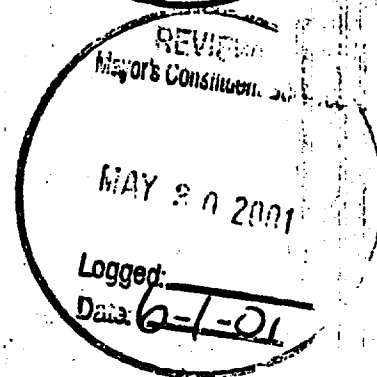
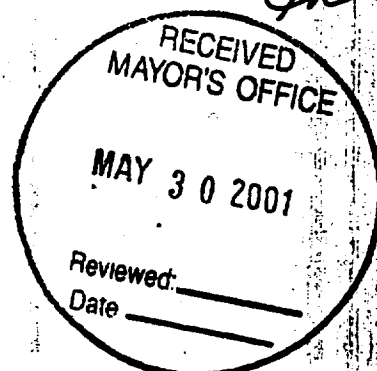
Re: Ms. Stephanie Hintler

My client: Van Culpepper on behalf of DeAndre Pass

D/O/B: 03/06/93

Dear Ms. Hall:

Mr. Culpepper has retained me represent his son, DeAndre Pass, in an claim against Atlanta Public Schools. In December of 2000, DeAndre got off of the bus crying. When asked what had happened, he stated his teacher, Ms. Stephanie Hintler, made him miss the bus. When DeAndre was asked to further explain the entire situation, he said that Ms. Hintler had slapped him in the face and caused him to cry. She also held him behind when the bus left but fortunately the bus driver came back for him. This type of behavior by a teacher is absolutely unacceptable.



Upon further investigation, DeAndre stated that Ms. Hintler frequently uses cuss words as well as the "N" word at the children. Mr. Culpepper reported the use of the bad language and the "N" to the school principal, Dr. Gammons, in November but received no acknowledgment that anything had happened with that complaint. Perhaps her slapping DeAndre in December was some type of retribution for Mr. Culpepper reporting her foul language to the principal or perhaps Ms. Hintler is just a naturally violent person. Either way, the school is responsible if it knows of this type of behavior and allows it to continue.

After DeAndre was slapped in December, Mr. Culpepper again reported the bizarre behavior of Ms. Hintler to Dr. Gammons. Damaris Perryman, Interim Director of the Office of Internal Resolution investigated the matter and determined that "there was insufficient evidence to suggest a violation of a school system policy or regulation, civil law, ethical standard . . ." Slapping a child is clearly a violation of criminal law and would be "simple battery" at the minimum. Grabbing children and/or slapping them is not allowable.

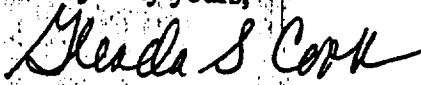
The incident with Ms. Hintler slapping DeAndre Pass is not the first incident of excessive and unnecessary use of force by her. In September or October of 2000, Kendrick Johnson was "cussed at," "grabbed" and his arm was "squeezed real hard". Linda Jacobs, Kendrick's mother reported Ms. Hintler's behavior to the assistant principal who promised her that he "would look into the matter." Ms. Jacobs was never contacted again by the school or the school system.

Based on the fact that Ms. Hintler's despicable behavior was reported to the assistant principal in September or October by Ms. Jacobs, and again in November by Mr. Culpepper, the school should have thoroughly investigated Ms. Hintler's actions prior the incident in December and perhaps the slapping of an 8 year old boy would not have happened. If the school had done any type of investigation other than the apparent superficial one based on the slapping in December, it would have revisited Ms. Jacobs complaint and realized that two complaints against the same teacher for the same thing must have merit.

Ms. Hintler should no longer be allowed to be around children based on her egregious actions in using both the "N" and the physical violence exhibited not once but on the two different occasions described above. Teachers who mistreat young children with disparaging remarks about a race or by abusive touchings/slappings should be banned from every school system. When the school knows about that behavior, it has a duty to stop it and to make sure the individual teacher does not continue such unacceptable behavior. If Ms. Hintler had received a warning or write-up from the first incident in October, surely the second incident most likely would not have occurred.

Pursuant to O.C. G.A. §36-33-5, we are providing you with written notice of our intent to seek money damages for the behavior of Ms. Hintler, on or about December 5, 2001 at 2:30 p.m. The date is an approximation only but surely the school has a written record of Mr. Culpepper's visit to complain about Ms. Hintler. Should need further information or wish to set up a meeting, please give me a call.

Very truly yours,


Glenda S. Cook

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